

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01698/2019

DATED THIS THE 20th DAY OF OCTOBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Sri M.R.Subbaswami
S/o Late M.S.Ramaswamy
Aged about 71 years
Retired Scientist – C
Central Silk Board
Bengaluru – 560 068
Now residing at No.1393/A-2
2nd Main, 5th Cross
Krishnamurthipuram
Mysuru – 570 008.

....Applicant

(By Advocate Shri Siddaramappa Y Rodagi)

Vs.

1. The Union of India
Rep by its Secretary
Ministry of Textiles
New Delhi – 110 001.

2. The Member Secretary
Central Silk Board
CSB Complex
4th Floor, BTM Layout
Madiwala, Bangalore-560 068.

3. The Director
Central Sericulture Research Centre
Mysuru-570 004.

.....Respondents

(By Advocate Shri N.Amaresh)

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. Call for relevant records relating to the representation made by the applicant vide Annexure-A5 dated 22.7.2019 and Annexure-A6 dated 11.10.2019, peruse the same and declare the inaction on the part of the respondents in not considering the representations as unjust and arbitrary.
- ii. Issue a writ of Mandamus direction, directing the respondents to grant to the applicant one increment for the year 2007-08 for having completed one year of service in terms of the decision of the Hon'ble High Court of Judicature, Madras in the case of Ayaam Perumal vs Registrar, CAT and thereafter to extend him one consequential monetary benefits of one increment, revised pension from time to time along with arrears due to him.

2. At the very outset, Shri N.Amaresh, learned counsel representing the respondents submitted that the present Original Application is premature as the representations dated 22.07.2019 & 11.10.2019 (Annexures-A5 & A6 respectively) moved by the applicant are still pending for consideration before the respondents.

3. The fact with regard to pendency of those representations has not been

disputed by learned counsel for the applicant.

4. Learned counsel for the applicant, however, stated that the applicant will be satisfied if a direction is issued to the respondents to decide those pending representations within a time frame.

5. Keeping in view the aforestated prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application without entering into the merits of the case.

6. Accordingly, the Original Application is disposed of with a direction to the Member Secretary, Central Silk Board, Bangalore to decide the applicant's pending representations dated 22.07.2019 & 11.10.2019 and pass a reasoned and speaking order in accordance with law. The applicant shall also be afforded an opportunity of hearing before taking such a decision. The whole exercise shall be undertaken within a period of two(2) months from the date of receipt of a certified copy of this order.

7. The OA stands disposed of in the above terms. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/

Annexures referred to by the applicant in OA No.1698/2019:

Annexure-A1: Pay fixation of the applicant as on the date of retirement

Annexure-A2: Order dtd.15.9.2017

Annexure-A3: Order of Apex Court in SLP(C)No.2283/2018

Annexure-A4: Review filed against the said order is dismissed on 8.8.2019

Annexure-A5: Representation dtd.22.7.2019

Annexure-A6: Representation dtd.11.10.2019

Annexures with reply:

Annexure-R1: OM dtd.31.7.2018

Annexure-R2: Min. of Finance file dtd.18.10.2019

Annexures with rejoinder:

Annexure-A7: Order dtd.13.2.2020 in OA.1107/2019
